

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL PINEIDA,  
Plaintiff,  
  
v.  
CHARLES D. LEE, et al.,  
Defendants.

Case No. 12-cv-01171-JST (PR)

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO LOCATE UNSERVED  
DEFENDANT; DENYING PLAINTIFF'S  
SECOND MOTION FOR  
APPOINTMENT OF COUNSEL;  
DIRECTIONS TO CLERK**

Re: Dkt. Nos. 56, 59

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 asserting that defendants at Salinas Valley State Prison denied him adequate medical treatment for his ulcerative colitis, or delayed in providing that treatment. On June 3, 2013, the Court entered an order granting in part and denying in part defendants' motion to dismiss. The Court also dismissed defendant Dr. Carl Millner from the action, pursuant to Fed. R. Civ. P. 4(m), noting that two attempts to serve Dr. Millner had been unsuccessful and that plaintiff had not been able to provide a current address for said defendant. Now before the Court is plaintiff's "motion for leave to file an amended complaint," in which plaintiff seeks to re-allege his claims against Dr. Millner. The Court construes the motion as a request for the Court to locate and serve Dr. Millner. Also before the Court is plaintiff's second motion for appointment of counsel.

Plaintiff is reminded that it is ultimately plaintiff's responsibility to provide sufficient information to allow the Marshal to locate and serve defendants. However, in the interest of expediting proceedings, the Clerk of the Court shall send a copy of this order to the Litigation

1 Coordinator at Salinas Valley State Prison, who is requested to provide to the Court, under seal,  
2 any forwarding address information and last known address that is available with respect to Dr.  
3 Carl Millner within **thirty days** from the filing date of this order. Upon receipt of such  
4 information, the Court will re-open the claims against Dr. Millner and order the Marshal to serve  
5 defendant Dr. Millner at the provided address. If no further information is available from the  
6 Litigation Coordinator, the claims against Dr. Millner will not be re-opened.

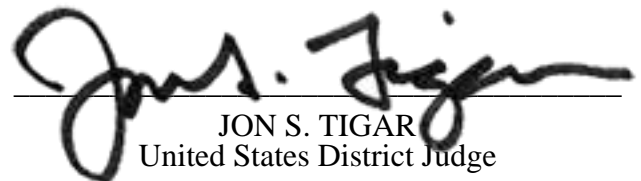
7 Plaintiff's original complaint (Dkt. No. 1), remains the operative complaint herein.

8 Plaintiff's second request for appointment of counsel under 28 U.S.C. § 1915 is DENIED for  
9 lack of exceptional circumstances. See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);  
10 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). The Court will consider appointment  
11 of counsel on its own motion, and seek volunteer counsel to agree to represent plaintiff pro bono,  
12 if it determines at a later time in the proceedings that appointment of counsel is warranted.

13 This order terminates Docket Nos. 56 and 59.

14 **IT IS SO ORDERED.**

15 Dated: October 23, 2013

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18 JON S. TIGAR  
19 United States District Judge  
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